



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

August 17, 2012

Mr. Harry P. Kaiser  
Hanalei Inn  
PO Box 1373  
Hanalei, HI 96714

**Subject: Large Capacity Cesspool for Hanalei Inn  
5-5468 Kuhio Hwy, Hanalei (Kauai), TMK 4-5-5-004-036**

Dear Mr. Kaiser:

**This is the second request for documentation of your progress in closing the large capacity cesspool at the above referenced location and TMK.** The United States Environmental Protection Agency (EPA) sent a letter to you dated May 24, 2012 and has received no response to date.

In 1999, the United States Environmental Protection Agency (EPA) promulgated regulations under the Safe Drinking Water Act's Underground Injection Control (UIC) Program, which prohibited the construction of new large capacity cesspools as of April 2000 and required the closure of all existing large capacity cesspools by April 5, 2005 (see 40 C.F.R. § 144.88). **Operation of a large capacity cesspool after that date is a federal violation which may subject you to enforcement and penalties.**

Cesspools allow raw sewage to be discharged into the ground and are a public health and environmental concern. Under federal regulations, a large capacity cesspool (LCC) is a cesspool which serves multiple dwellings, or for non-residential facilities has the capacity to serve 20 or more persons per day.

It is our understanding that you were working with Brian Hennessy, P.E., who was drawing plans to replace the subject LCC with a septic tank that will comply with EPA regulations. We have been coordinating with the Hawaii Department of Health (DOH) to monitor your progress on closing the LCC, and DOH data indicate that plans for a new individual wastewater system (IWS) were approved in October 2011. However, you have not submitted the required documentation to demonstrate that the LCC has been closed or converted to a DOH-approved IWS.

Federal regulations required that all LCCs be closed and, where needed, replaced by an alternative type of treatment system. The alternative treatment system must meet the DOH's rules and requirements. Closure of the cesspools must be performed in compliance with federal and state requirements.

**Please provide EPA with an update on the progress you have made toward closing the LCC and include the dates you anticipate completing the following steps:**

- begin construction on the wastewater system upgrade;
- complete construction and submit the construction inspection report to DOH;
- receive final approval from DOH to operate the wastewater system;
- close or convert the LCC;
- provide EPA with a copy of DOH correspondence indicating approval for use and a copy of the Backfill Closure Report, if applicable.

If you have closed or converted this LCC, please provide EPA with a copy of DOH correspondence indicating approval to operate and a copy of the Backfill Closure Report, if applicable.

Please send the requested information to EPA at the following address by **September 17, 2012**.

LCC Program Coordinator  
US EPA, Ground Water Office (WTR-9)  
75 Hawthorne Street  
San Francisco, CA 94105

**Your compliance with these requests and your efforts to properly close the LCC are relevant to EPA's consideration of any potential enforcement action.**

If you have any questions about this notice, please contact me at (415) 972-3533 or via email at [r9\\_lcc\\_coordinator@epa.gov](mailto:r9_lcc_coordinator@epa.gov). Thank you for your prompt attention to this matter.

Sincerely,



Katherine Rao  
LCC Program Coordinator  
Ground Water Office

cc: Ms. Sina Pruder  
Wastewater Branch, DOH

Brian Hennessy, P.E.  
Honua Engineering, Inc.  
PO Box 851  
Hanalei, HI 96714

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